

Remarks

Claims 39-66 are pending in this application, with claims 39 and 66 being independent. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

In the Examiner's communication dated March 24, 2004, the Examiner rejected pending claims 39-66 of the present application as being unpatentable over Zeimer (US 5,935,942) under 35 U.S.C. 102(e). Applicants respectfully traverse this rejection and request that it be reconsidered and withdrawn.

On April 20, 2004, Applicants' undersigned representative interviewed with the Examiner to discuss this rejection. Agreement was reached that the pending claims are patentable over Zeimer. Applicants thank the Examiner for the courtesy of the interview.

During the interview, the undersigned explained that the present invention includes a step of photocoagulating a feeder vessel *prior* to the step of activating the photosensitizer chemical. This ordering of steps imposes a reduced blood flow within a target neovascularization prior to activation of the photosensitizer chemical. Zeimer does not teach or suggest the separate photocoagulating and activating steps of the present invention.

Initially, the Examiner pointed to Zeimer, col. 13, at about line 20, as teaching a separate photocoagulating step. However, upon closer examination, the Examiner agreed that Zeimer does not teach photocoagulation of a feeder vessel in combination with an activation step as recited in the present claims. Instead, Zeimer appears to teach

feeder vessel coagulation (describe as a first mode) as an alternative to the described second mode (chemical damage caused by a tissue-reactive agent activated by a laser beam).

Thus, the Examiner agreed that Zeimer does not teach or suggest the separate photocoagulating and activating steps of the present invention. These steps are recited in both of independent claims 39 and 66. For at least this reason, claims 39 and 66 are patentable over Zeimer.

Each of dependent claims 40-65 depend either directly or indirectly from independent claim 39. Thus, these dependent claims are patentable for at least the same reasons that claim 39 is patentable.

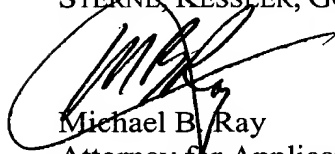
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "MBR", is written over the printed name of Michael B. Ray.

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